

# **Summary of Proposed Ordinance to Improve Code Enforcement**

March 31, 2005

The purpose of this legislation is to create a fair and equitable enforcement process that provides King County with the proper tools to enforce against repeat offenders and those who are not willing to voluntarily comply with the County's code.

## **Clarifies appeal procedures as follows :**

- A statement of appeal is not required for an appeal of a citation issued under K.C.C. Chapter 23.20 (Section 1);
- Case management techniques that the Hearing Examiner may use include voluntary mediation and mediation of complainant appeals (Section 2); and
- An appeal of a notice or order must be filed within fourteen days, the same time period as appeals of other enforcement actions (Section 17).

**Changes provisions relating to complainant appeals** (Sections 7, 21, and 23). A complainant is any third party who makes a complaint alleging a violation of county codes. Current King County Code gives a complainant who is an aggrieved person appeal rights similar to those of alleged violators, including the right to appeal a citation, notice and order, or stop work order, or to appeal a department's decision to enter into a voluntary compliance agreement or not to take enforcement action. The proposed ordinance would allow appeals by a complainant only if there is an alleged violation of K.C.C. chapters 9.08 (water quality) and 21A.24 (critical areas). The proposed ordinance also sets forth the procedures and standards for complainant appeals, including establishing the burden of proof.

## **Gives county departments additional flexibility to prioritize code compliance responses.**

The following changes are included:

- County departments may decide not to take enforcement action on *de minimis* violations of county codes (Section 4); and
- Detailed guidelines for how county departments should respond to code compliance complaints are replaced with general standards for county departments to use in developing procedures for code compliance (Section 5); and
- Allows rather than requires county departments to adopt public rules to implement the provisions of the code. All county departments operating under the code are required to adopt guidelines for investigating code compliance complaints (Section 9).

**Adds licensed auto repair businesses** to the entities that are allowed to store or park non-operational vehicles. (Section 10)

**Clarifies procedures for issuing and contesting citations.** The existing code allows for the issuance of a citation in moderate or low risk cases when the alleged violation is likely to be corrected in a short period of time. An appeal of a citation is handled as any other appeal of a code enforcement action. The proposed ordinance provides additional alternatives in handling citations:

- A person issued a citation may respond by: paying a civil penalty; agreeing that a violation was committed, but that there were mitigating circumstances; or contesting the allegation that a violation was committed (Sections 12 – 16, 21, and 22);
- Additional information is included on the citation informing the alleged violator of the options for responding to the citation (Section 13);

- If the alleged violator requests a mitigation hearing, the hearing examiner will schedule an informal non-evidential hearing within 30 days to consider whether to reduce the civil penalty (Section 15);
- If the alleged violator requests a contested hearing, the hearing examiner will schedule a formal hearing within 60 days. The hearing is governed by the Hearing Examiner's Rules of Procedure (Section 16).

**A person issued a notice and order wishing to appeal must do so within fourteen days.** This is the same time period that applies to an appeal of other types code enforcement actions. The existing code allows for a 21-day appeal period. (Section 17)

**If a violation subject to a notice and order has not been abated, a reinspection fee may be assessed.** The reinspection fee increases with subsequent reinspections, but is only assessed if the violation has not been abated by the time of the reinspection. (Section 19)

**Repeals outdated provision requiring DDES to maintain photographs of abated vehicles.** The requirement expired in 1997 and is no longer applicable. (Section 11)

**Corrects cross-references and terminology.** A number of technical corrections are made to update terminology that has changed in recently adopted ordinances and to correct references to Title 23.